prejudice the Committee's jurisdictional prerogatives on these measures or any other similar legislation, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee in the future.

Thank you again for your letter confirming this understanding, and I would ask that a copy of our exchange of letters on this matter be included in the Record during floor consideration. Thank you for your cooperation and assistance on this matter. With best personal regards, I am

Sincerely,

BILL ARCHER,
Chairman.

Ms. JACKSON-LEE of Texas. Mr. Speaker. I rise in support of S. 1733, which asks the Social Security Administration (SSA) and the states to work together to avoid waste in the administration of the Food Stamps program.

This bill takes a common sense approach to a sizable problem. Recently the General Accounting Office (GAO) released a study that found that due to a lack of communication between the states and the SSA, over 26,000 dead people in four states, including my home state of Texas, were erroneously issued food stamps. The cost of that oversight to the Food Stamps Program totalled over $8.6 million—a sizable amount of money that could be better used elsewhere.

The bill fixes this problem simply by requiring that the SSA and state agencies that help administrate the program, share information about the people that receive food stamp benefits. That information sharing should all but eliminate the erroneous issuance of food stamps to people that have deceased. In addition, the bill requires that the SSA submit reports to Congress on the progress that they have made on this issue, and on the savings that the bill produces.

Food stamps area matter of life and death for many people throughout the United States, including children. As the Founder and chair of the Congressional Childrens Caucus, I know that food stamps are often the lifeline for families that are trying to stay afloat in an turbulent and difficult economy. Many of those families reside in my district and in the State of Texas, where a study a few years ago concluded that Food Stamps and Aid for Families with Dependent Children (AFDC) contribute over $675 million to the local economy.

We must do what we can to improve this important and vital program, and I believe that this bill is a step in the right direction. Furthermore, I look forward to working with all of you next year to make sure that the savings we have realized from this bill are funneled back into the Food Stamps program.

I urge all of my colleagues to support this bill, and to work with me in supporting food Stamps every year.

Mr. STENHOLM. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the Senate bill, S. 1733.

The question was taken.

Mr. GOODLATTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1145

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1733.

The SPEAKER pro tempore (Mr. RIGGS). Is there objection to the request of the gentleman from Virginia?

There was no objection.

PROTECTING SANCTITY OF CONTRACTS AND LEASES ENTERED INTO BY SURFACE PATENT HOLDERS WITH RESPECT TO COALBED METHANE GAS

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2500) to protect the sanctity of contracts and leases entered into by surface patent holders with respect to coalbed methane gas.

The Clerk read as follows:

S. 2500

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROTECTION OF SANCTITY OF CONTRACTS AND LEASES OF SURFACE PATENT HOLDERS WITH RESPECT TO COALBED METHANE GAS.

(a) IN GENERAL.—Subject to subsection (b), the United States shall recognize as not infringing upon any ownership rights of the United States to coalbed methane any—

(1) contract or lease covering any land that was conveyed by the United States under the Act entitled ''An Act for the protection of surface rights of entrymen'', approved March 3, 1909 (30 U.S.C. 81), or the Act entitled ''An Act to provide for agricultural entries on coal lands'', approved June 22, 1910 (30 U.S.C. 83 et seq.), that was—

(A) entered into by a person who has title to said land derived under said Acts, and

(B) that conveys rights to explore for, extract, and sell coalbed methane from said land; or

(2) coalbed methane production from the lands described in subsection (a)(1) by a person who has title to said land and who, on or before the date of enactment of this Act, has filed an application with the State oil and gas regulating agency for a permit to drill an oil and gas well to a completion target located in a coal formation.

(b) APPLICATION.—Subsection (a)—

(1) shall apply only to a valid contract or lease described in subsection (a) that is in effect on the date of enactment of this Act;

(2) shall not otherwise change the terms or conditions of, or affect the rights or obligations of any person under such a contract or lease;

(3) shall apply only to land with respect to which the United States is the owner of coal reserved to the United States in a patent issued under the Act of March 3, 1909 (30 U.S.C. 81), or the Act of June 22, 1910 (30 U.S.C. 83 et seq.), the position of the United States as the owner of the coal not having passed to a third party by deed, patent or other conveyance by the United States;

(4) shall not apply to any interest in coal or land conveyed, restored, or transferred by the United States to a federally recognized Indian tribe, including any conveyance, restoration, or transfer made pursuant to the Indian Reorganization Act, June 18, 1934 (c. 576, 48 Stat. 984, as amended); the Act of June 28, 1938 (c. 776, 52 Stat. 1209 as implemented by the order of September 14, 1938, 3 Fed. Reg. 1425); and including the area described in section 3 of Public Law 98–290; or any executive order;

(5) shall not be construed to constitute a waiver of any rights of the United States with respect to coalbed methane production that is not subject to subsection (a); and

(6) shall not limit the right of any person who entered into a contract or lease before the date of enactment of this Act, or enters into a contract or lease on or after the date of enactment of this Act, for coal owned by the United States, to mine and remove the coal and to release coalbed methane without liability to any person referred to in subsection (a)(1)(A) or (a)(2).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 2500 which, as passed by the other body, is identical to my bill, H.R. 4598. This bill is a bipartisan response to the vexing question of the rightful ownership of methane gas which resides in the voids of coal seams; in other words, their coal will be so many feet deep, and then there will be space where methane gas exists, and beneath that will be another seam of coal.

S. 2500 takes the position that where the United States has patented the surface estate together with all minerals except coal under the authority of either the 1909 or 1910 Coal Lands Act that the methane molecules belong to the patentee or his successor or interest. The bill excludes all interests where the United States has transferred its reserved coal interest to the third parties such as the Southern Ute Tribe in southwest Colorado.

Mr. Speaker, this bill is necessary because of a recent Tenth Circuit Court decision concerning the aforementioned tribe and an oil company producing coalbed methane from the private lands within the Southern Utes' reservation. Again though, this bill has no effect whatsoever upon that court case for which we expect the United States Supreme Court will grant a writ of certiorari and decide the ownership question for those situations where the U.S. has granted its reserve coal rights to third parties. In the meantime, however, S. 2500 will allow patentholders to be secure in the knowledge that whatever leases or contracts that they have already entered into with coalbed methane producers are valid. Without such relief, these landowners would be left in a legal conundrum not of their own making.

A Solicitor's opinion issued in 1981 appeared to settle the ownership question. My constituents in the Powder

River basin and others in the West where most coal seams are federally owned relied upon the Solicitor's analysis to assert their claims of coalbed methane ownership before leasing their rights to this gas.

Mr. Speaker, I have a college degree in chemistry, and I am here to tell my colleagues that an atom of carbon that is bound to four hydrogen atoms is methane, it is a methane molecule pure and simple, and in my view and in the view of many other people the genesis of that molecule is unimportant when it comes to mineral ownership questions. What counts is who has the right to develop oil and gas resources within a particular tract of land, and without the common sense certainty of S. 2500 we have gridlock in the Powder River Basin coalbed methane business and in other places, too, such as the San Juan Basin of New Mexico.

Mr. Speaker, natural gas, which is composed primarily of methane, is thought by many to be the fuel of the future. It is a very clean burning fuel. As a matter of fact, the competition between burning coal and clean coal and burning methane goes on within industry all the time. But methane certainly is a good fuel and a promising fuel to use.

With S. 2500 enacted into law, our Nation's supply of natural gas from available domestic sources will be enhanced. This can only be good for the country, and I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, I had a lot I wanted to say on this legislation, but having just heard Professor CUBIN's discussion of this, I do not think I want to match wits, her chemistry degree against my degree in American humor, on this topic, although I still do not quite get how the molecules belong to the surface guys, but the coal belongs to the subsurface. But we can go into that at another time. I think the gentlewoman has explained this bill quite properly.

Mr. Speaker, this is an important piece of legislation, it is necessary to provide certainty for people with the existing agreements, and I support the legislation.

This bill is very important to the western states and for those individuals who own or lease federally-owned coal. We understand that the bill's sponsors have been working with other members and with the Department of Interior to craft this agreement.

As many of my colleagues know, in the west, it is not uncommon for the mineral estate, in this case oil and gas, to be in separate ownership from the surface of the land—what is commonly known as ''split-estate.'' This system of split mineral estates is the result of the many federal statutes that granted varying levels of patents to homesteaders.

In 1981, the Interior Department Solicitor issued an opinion that allowed surface owners in public lands states, like Wyoming and New Mexico, to lease the rights to coalbed methane gas to companies interested in developing this resource.

Subsequent to that decision, other mineral estate owners, such as the Southern Ute Tribe, challenged the decision. Initially the Interior opinion was upheld, but on July 20, of this year, the 10th Circuit Court of Appeals, in a final en banc decision, ruled that methane gas produced out of coal seams is part of the coal itself, and not actually a gas.

Consequently, the coalbed methane gas—instead of belonging to the owners of land as previously believed—is held to be owned by the owner of the mineral estate, or the owner of the coal. Therefore, in many places where these two resources occur together, there are separate owners.

The bill's sponsors, and many of the landowners affected by the judicial decision, believe that the judicial decision will strip away a majority of the private ownership of gas in certain western states, and at a minimum, will cause a certain amount of confusion and potential monetary loss.

To alleviate this situation, the bill would grandfather the leases that have been negotiated, in good faith, according to the policies of the federal government. The legislation would ensure that existing leases to produce methane remain valid and that there is no future assertion of ownership by the federal government on these parcels. The bill before applies only to federally owned coal. It would not have any effect on tribally owned or state-owned land or coal.

While this bill provides an opportunity to provide some certainty for people with existing agreements, I would note that it has not been subject to any hearing or consideration by either the House Resources Committee or the Senate Energy Committee—despite the fact that the Court decision occurred approximately three months ago. The Interior Department has assured us that this bill is acceptable to them, and therefore, we will not oppose it today.

Mr. Speaker, I yield back the balance of my time.

Mrs. CUBIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to let the body know for certain that I would never match my degree in chemistry against the gentleman from California's Ph.D. in humor.

Mr. MCINNIS. Mr. Speaker, my colleague, Mrs. CUBIN and I would like to clarify several issues regarding S. 2500, the coalbed methane gas bill, for the record. We understand that this bill is very important to this country, including the Third District of Colorado and the State of Wyoming, as well as large parts of at least six states with coalbed methane gas patents, contracts and leases. This bill will address the uncertainty that has arisen elsewhere following a decision in the case *Southern Ute Reservation* v. *Amoco Production Company* in the 10th Circuit Court of Appeals. People may not realize the impact the litigation has made upon an area in the district of the gentleman from Colorado, Mr. MCINNIS. We wanted to take this opportunity to discuss and clarify some issues on behalf of constituents of the gentleman from Colorado, Mr. MCINNIS, who are concerned about the possible impact of this bill.

First, this bill specifically exempts any interest in coal that was transferred, conveyed or restored by the United States to a federally recognized Indian tribe. The goal of this bill was not to impact the ongoing *Southern Ute* litigation. This bill is meant to address concerns raised elsewhere as to the ownership of coalbed methane gas and prevent financial hardship and disruption.

Second, this bill is not intended ion any way to be construed to prejudice the right of any person to petition the Supreme Court of the United States for a writ of certiorari in the case of *Southern Ute Reservation* v. *Amoco Production Company*. This legislation specifically carves out the subject matter of the *Southern Ute* case and should not impact any decision by the United States Supreme Court as to whether to take the case on appeal from the 10th Circuit Court of Appeals.

Third, supporting passage of S. 2500 should not be considered opposition to the Supreme Court hearing the *Southern Ute* case. Several parties, including many of the states impacted by the *Southern Ute* case, plan to offer briefs urging the United States Supreme Court to hear this case. This bill, S. 2500, should not prevent any interested parties from seeking Supreme Court review. Moreover, the gentlelady from Wyoming, Ms. CUBIN, has pledged to work towards getting appropriate interested parties to write amicus briefs asking the United States Supreme Court to hear arguments in the *Southern Ute* case. After all, as discussed above, this legislation specifically carves out interests in coal transferred by the United States to Indian tribes. The normal appeals process to the United States Supreme Court is the appropriate manner for resolving the ongoing *Southern Ute* litigation.

Mr. RAHALL. Mr. Speaker, I rise in support of S. 2500, legislation dealing with the ownership of coalbed methane as a source of energy in situations where a federal coal estate is involved.

Until July of this year, the issue of how to allow the development of coalbed methane resources where a federal mineral estate was present seemed to be well settled. As a result of two Department of the Interior Solicitor opinions, it was held that the right to extract coalbed methane was vested with the owner of oil and gas rights rather than the coal resources. In situations where the federal government owned both, the Department required that an oil and gas lease be issued to extract the coalbed methane.

There are other situations, however, where the federal government reserved to itself just the rights to the coal resource. These situations arise from federal policies pursued during the early part of this Century. Starting with the Coal Lands Act of 1909, the United States reserved coal deposits in lands subsequently disposed for agricultural purposes. This policy was also elaborated upon in a 1910 Act. And it culminated with the 1916 Stock Raising Homestead Act which extended the reservation to all minerals whenever lands were patented to ranchers. But with respect to the 1909 and 1910 Coal Acts, it had been held that only the coal was reserved to the United States. The owner of any oil and gas rights could validly extract coalbed methane. Subsequently, a thriving coalbed industry has grown encouraged to a great part by the section 29

non-conventional fuel tax credit enacted in 1980.

Indeed, when I championed coalbed methane legislation as part of the Energy Policy Act of 1992 in my then capacity as chairman of the House Subcommittee on Mining and Natural Resources, we examined this issue and found no need to include provisions relating to situations where coalbed methane was being developed in situations involving federal estates or the reservation of the coal resources.

However, on July 20th of this year, in a somewhat tortured manner, the Tenth Circuit Court of Appeals asserted that coalbed methane is part of the coal, rather than a separate mineral resource. This ruling came as a result of litigation pursued by the Southern Ute Tribe in Colorado which claimed ownership of coalbed methane from coal it acquired under the terms of the Indian Reorganization Act of 1934 as a successor in interest to the statutory reservation of coal by the United States under the terms of the 1909 and 1910 Acts.

This ruling, obviously, has far-reaching ramifications for any entity which is producing coalbed methane where a federal land or mineral interest lies. In effect, the rules of the game have suddenly been changed on them in a manner which jeopardizes millions of dollars of investment.

The legislation before us seeks to mitigate the potentially disastrous affects of the Court's ruling by preserving the sanctity of existing coalbed methane leases associated with federally-owned coal reserves. It does not apply to such leases where the coal reserves have been conveyed to a federally-recognized Indian Tribe, thus upholding the Court's ruling as it would narrowly apply to the interests of the Southern Ute and similar tribes.

Mr. Speaker, I commend this bill to the House. While the focus of this legislation is on coalbed methane in the western States, this energy resource is of increasing importance to the Nation as a whole especially as we continue to work to foster a coalbed methane industry in the East on private lands under the terms of the Energy Policy Act of 1992.

Mrs. CUBIN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and pass the Senate bill, S. 2500.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONTINUANCE OF OIL AND GAS OPERATIONS PURSUANT TO CERTAIN EXISTING LEASES IN WAYNE NATIONAL FOREST

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1467) to provide for the continuance of oil and gas operations pursuant to certain existing leases in the Wayne National Forest, as amended.

The Clerk read as follows:

H.R. 1467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OIL AND GAS WELLS IN WAYNE NATIONAL FOREST, OHIO.

(a) AUTHORITY.—The Secretary of the Interior may enter into noncompetitive oil and gas production and reclamation contracts in accordance with this section with operators of wells in the Wayne National Forest in the State of Ohio who meet the criteria of section 17(b)(3)(A) of the Act of February 25, 1920 (30 U.S.C. 226(b)(3)(A)) pursuant to private land mineral leases which were in effect on and after the date of the enactment of this section, subject to the same laws and regulations that applied to those private land mineral leases.

(b) ADDITIONAL DRILLING.—No contract under this section may authorize deeper completions or additional drilling.

(c) BONDING.—

(1) WAIVER OF FEDERAL BONDING.—Each contract under this section shall require the contractor to provide a Federal oil and gas bond to ensure complete and timely reclamation of the former lease tract in accordance with the regulations of the Bureau of Land Management and the Forest Service, unless the Secretary of the Interior accepts in lieu thereof assurances from the Ohio Department of Natural Resources, Division of Oil and Gas, that—

(A) the contractor has duly satisfied the bonding requirements of the State of Ohio; and following inspection of operator performance, the Ohio Department of Natural Resources is not opposed to such waiver of Federal bonding requirements;

(B) the United States of America is entitled to apply for and receive funding under the provision of section 1509.071 of the Ohio Revised Code so as to properly plug and restore oil and gas sites and lease tracts; and

(C) during the 2 years prior to the date on which the contract is entered into no less than 20 percent of Ohio State severance tax revenues has been allocated to the State of Ohio Orphan Well Fund.

(2) CONTINUED COMPLIANCE WITH 20 PERCENT REQUIREMENT.—In entering into any contract under this section, the Secretary of the Interior shall reserve the right to require the contractor to comply with all Federal oil and gas bonding requirements applicable to Federal oil and gas leases under the regulations of the Bureau of Land Management and the Forest Service whenever the Secretary finds that less than 20 percent of Ohio State severance tax revenues has been allocated to the State of Ohio Orphan Well Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming (Mrs. Cubin).

Mrs. CUBIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this bill by our colleague from southern Ohio (Mr. NEY) which addresses a problem encountered by small businessmen operating Federal oil and gas leases on the Wayne National Forest. The situation these folks find themselves in is rather unique. These lessees formerly held private oil leases from individuals owning the reserve mineral estate beneath the Forest Service administered surface estate. A few years ago the private reservations began to expire, and the United States is now the mineral owner.

Our colleague from West Virginia (Mr. RAHALL) in 1992 added a provision to the 1992 Energy Policy Act to allow a private lessee to acquire a Federal lease for the same tract on the Wayne National Forest without need of competitive bidding. Mr. Speaker, this was only fair given these small businessmen already owned the wells and the equipment that was necessary to pump and store the production.

However, these operators soon discovered that ownership of a Federal lease meant having to financially guarantee proper abandonment of their lessees, plugging the wells properly and reclaiming the surface impacts. This was despite the fact that they had long ago met the State of Ohio's bonding requirements back when they drilled the private wells.

The gentleman from Ohio (Mr. NEY) sought to remedy this situation with his original bill but the Department of Interior, as lessor of the mineral rights, opposed that text. As chairman of the Subcommittee on Energy and Mineral Resources, I asked the Federal agency and the State of Ohio's Department of Natural Resources to try to find an acceptable remedy.

Mr. Speaker, the substitute before us today is the answer and is supported by the administration and by the Ohio DNR.

The substitute codifies a recognition by the Secretary of Interior as to the adequacy of Ohio State's Orphan Well Fund to provide financial guarantees for the proper plugging and abandonment of preexisting wells on these special leases and these leases only.

No precedent is being established elsewhere, although I do happen to think that many States' oil and gas commissions do a fine job in regulating the industry within their borders, and especially my State of Wyoming.

The substitute provides opportunity for the Secretary to review the continuing adequacy of the Ohio law to ensure reclamation in the unlikely event of multiple bankruptcies.

The Secretary may require the lessees to meet the Federal standard bonding requirements for these wells if the State of Ohio fails to fund the program at 20 percent of the State's severance tax levels that it currently has.

Mr. Speaker, I want to thank our colleague, the gentleman from Ohio (Mr. NEY), for his willingness to aid these small businesses in the Wayne National Forest. They are not his constituents, per se, but he saw their plight and decided to help them nonetheless.

I also want to thank the ranking member on our subcommittee, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), and his staffer, who helped the administration see the need to find a reasonable solution to the problem of double bonding.

Mr. Speaker, I urge my colleagues to support H.R. 1467, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.